

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
LUIS RIVAS,	:	
	:	S6 19 Cr. 781 (PKC)
Defendant.		
-----	X	

WHEREAS, on or about June 1, 2022 LUIS RIVAS (the “Defendant”), among others, was charged in a four-count Indictment, 19 Cr. 781 (PKC) (the “Indictment”), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349 (Count Two); conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h); and bank bribery conspiracy, in violation of Title 18, United States Code, Section 371 (Count Four);

WHEREAS, the Indictment included, *inter alia*, a forfeiture allegation as to Counts Two and Four of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(A), of any and all property constituting, or derived from proceeds obtained, directly or indirectly, as a result of the commission of the offenses charged in Counts Two and Four of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Counts Two and Four of the Indictment;

WHEREAS, on or about November 10, 2022, the Defendant pled guilty to Count Four of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Four of the Indictment and agreed to forfeit

to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), a sum of money equal to \$45,000, representing property constituting, or derived from, proceeds obtained directly or indirectly as a result of the commission of the offense charged in Count Four of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$45,000 in United States currency, representing the amount of proceeds traceable to the offense charged in Count Four of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Four of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Emily Deininger, of counsel, and the Defendant and his counsel, Ali Fazel, Esq., that:

1. As a result of the offense charged in Count Four of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$45,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count Four of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant LUIS RIVAS, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to United States Customs and Border Protection, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, the United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeiture shall be authorized to deposit the payment on the Money Judgment into the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

AGREED AND CONSENTED TO:

By: *Emily Deininger*  
 EMILY DEININGER  
 Assistant United States Attorney  
 One St. Andrew's Plaza  
 New York, NY 10007  
 (212) 637-2472


DATE \_\_\_\_\_

By: Luis Rivas  
LUIS RIVAS

11/2/2022  
DATE

11/2/22  
DATE

SO ORDERED:



---

HONORABLE F. KEVIN CASTEL  
UNITED STATES DISTRICT JUDGE

11-10-22  
DATE